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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,971	06/25/2001	Newel L. Stephens	1067-261/GIP-302/AJU	1409

7590

05/22/2003

Woodard, Emhardt, Naughton, Moriarty and McNett  
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EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,971

Applicant(s)

STEPHENS ET AL.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-11, 13, 15-22, 24-29 and 31-33 is/are rejected.
- 7) ☐ Claim(s) 12, 14, 23, and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

### DETAILED ACTION

1. Receipt is acknowledged of the Response filed May 16, 2003.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 13, 15-22, 24-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Roller et al. (USPT 5,934,798) cited by applicant.

Re claim 1, 7, 13, 16, 18, 21, 26, and 33: Roller teaches an apparatus for illuminating a license plate of a vehicle having,

- a housing (18) substantially enclosing the plurality of light emitting diodes and the plurality of reflector segments,
- a plurality of reflector segments having a curved free form (col. 2, lines 36), each reflector segment corresponding to one of the plurality of light emitting diodes (12 in Fig. 6), and
- a plurality of light emitting diodes (12) mounted to a substrate (14), and wherein the light emitting diode projects light directed at the reflector (28), the reflector having a surface geometry from redirecting the light through a window (20) in the housing such that it substantially uniformly illuminates the license plate.

Re claims 2, 17, and 27: Roller discloses a transparent cover (20).

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Re claim 3, 19, and 28: Roller teaches that the light emitting diode emits white light (col. 2, line 3).

Re claims 4-6, 10-11, 20, 24, and 32: Roller teaches an attachment member (26), a substrate (14), a potting material (22), a reflector having a smooth surface and integral with at least a portion of the housing (See Fig. 2).

Re claim 8: Roller teaches a parabolic reflector (28 in Fig. 6).

Re claim 9: Roller's teaching that the reflector may be horn shaped meets the limitation of a free-form reflector.

Re claims 15, 22, and 29: Roller's reflector does not include a lens (28 in Fig. 6).

Re claim 25: Roller discloses that no light escapes the apparatus in a rearward direction (See Fig. 3).

Re claim 31: Roller teaches that each reflector segment is an individual reflector (28 in Fig. 6).

### ***Response to Arguments***

4. In response to applicant's arguments that the '798 patent does not disclose that (1) "the reflector having a surface geometry . . . such that it substantially uniformly illuminates the license plate"; and, (2) "Roller does not disclose a lensless means . . . a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Further,

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Applicant describes Applicant's complex reflector as "a surface geometry", "a curved free form", and "a lensless means". However, Applicant fails to define the structural limitation of the "complex reflector" in the claims in order to distinguish the claimed invention from the '798 patent to Roller et al. Roller does disclose "a surface geometry" of a paraboloid reflector as shown in Fig. 6. Roller does teach a horn shaped reflector which has "a curved free form" (col. 2, line 36). Roller's paraboloid reflector itself does not have a lens although the license lamp of Roller shows a window (20 in Fig. 6). Therefore, it meets the limitation of "a lensless means". Furthermore, the general purpose of a reflector is reflecting light from a light source and redirecting the light uniformly into an area. Roller's parabolic reflector also has the same purpose.

#### *Allowable Subject Matter*

5. Claims 12, 14, 23, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Roller et al and Kobayashi, fails to disclose an apparatus for illuminating a license plate of a vehicle, wherein the light emitting diode is one of a plurality of light emitting diodes and the reflector includes a plurality of corresponding reflector segments, the light emitting diode projects light in a direction substantially to the rear of the vehicle and the reflector redirects the light in a forward direction onto the license plate as set forth in the claims. Further,

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the prior art of record fails to teach that the reflector is one of three reflectors, each reflector corresponding to one of the three light emitting diodes.

7. The indicated allowability of claims 14, 21, 31, and 32 is withdrawn in view of the newly discovered reference(s) to the reflector of Roller et al..

### *Conclusion*

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on December 02, 2002 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung**

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**Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 5:30AM to 2:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

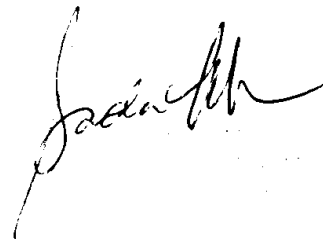
*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

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05/16/2003

A handwritten signature in black ink, appearing to read "Sandra O'Shea", is located in the lower right quadrant of the page.